



*State of California*

## **OFFICE OF THE INSPECTOR GENERAL**

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**FOR IMMEDIATE RELEASE**

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**Office of the Inspector General's new Bureau of Independent Review  
opens prison internal affairs investigations to public scrutiny for the first time**

The Office of the Inspector General's Bureau of Independent Review today released the first-ever public assessment of internal affairs investigations conducted by the California Department of Corrections and Rehabilitation.

Established in January 2005 as a central component in federal court-ordered reforms of the department's internal affairs process, the Bureau of Independent Review is responsible for providing real-time oversight of the department's internal affairs investigations, making sure that investigations are thorough and that the discipline imposed is appropriate. The bureau began full-time monitoring of internal affairs investigations in July 2005, marking the first time the department's internal affairs investigations have undergone public scrutiny and quality assessment by professionals.

The reforms were mandated by U. S. District Court Judge Thelton Henderson in the wake of a class action lawsuit against the department by inmates at Pelican Bay State Prison. In that case, *Madrid v. Gomez* (now known as *Madrid v. Woodford*), the court found that state corrections and prison officials had repeatedly condoned the use of excessive force by correctional officers against inmates in violation of the Eighth Amendment and that internal affairs investigations were often designed to avoid finding officer misconduct.

In releasing today's report, the semi-annual report of the Bureau of Independent Review for the period June through December 2005, Chief Assistant Inspector General David R. Shaw, who heads the bureau, said that for the most part, the court-ordered reforms of the department's internal affairs investigation process are working, but additional improvements are needed.

"The Department of Corrections and Rehabilitation is making a sustained and good-faith effort to comply with the court's order and is making progress toward significant and lasting improvements in the employee misconduct investigative and disciplinary process," said Shaw.

He pointed to a few trouble spots, however, noting that some corrections officials still occasionally deviate from established rules, which may result in disciplinary action not being taken against employees who have engaged in wrongdoing. Whenever this occurs, said Shaw, the Bureau of Independent Review reports it to the federal court and to the department's executive management.

Shaw also reported that although most internal affairs special agents have been generally cooperative and accepting of the bureau's oversight role, some agents and supervisors of the Office of Internal Affairs have been reluctant to comply with the bureau's monitoring. In addition, Shaw noted that some special agents need improvement in using proper interrogation techniques to obtain truthful and complete responses and in completing investigations within the one-year statutory time limit for taking disciplinary action against peace officers.

"Overall though, said Shaw, the reforms are working and the bureau is encouraged by the progress the department and the Office of Internal Affairs has made."

During the six-month period from June through December 2005 covered by the report, the bureau selected for monitoring 341 of the most critical internal affairs cases — 64 percent of the 449 criminal and administrative internal affairs cases opened by the Department of Corrections and Rehabilitation during the same period.

The bureau also responded to 20 "critical incidents" — events at adult and juvenile correctional institutions involving significant use of force resulting in injury to inmates, juvenile wards, or correctional employees — during the six-month reporting period.

Twelve of the critical incidents reported involved inmate or ward deaths, including that of one inmate who was killed during a riot while attacking an officer, two inmates and one juvenile ward who committed suicide, and eight inmates who died at the hands of other inmates.

The semi-annual report describes the critical incidents and summarizes 71 criminal and administrative cases, assessing whether the internal affairs investigation was adequate and whether the bureau agreed with the outcome. Most of the cases involve correctional officers, who make up approximately 62 percent of California Department of Corrections and Rehabilitation employees.

The full text of the Bureau of Independent Review's semi-annual report covering the period July through December 2005 may be viewed and downloaded from the Office of the Inspector General's website at <http://www.oig.ca.gov/>.

The Office of the Inspector General is an independent state agency responsible for oversight of the California Department of Corrections and Rehabilitation. The Bureau of Independent Review, situated within the Office of the Inspector General, was established pursuant to California Penal Code section 6133.

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